

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SHIRLEY DUVENTRE,

Plaintiff,

v.

HOME DEPOT U.S.A., INC.,

Defendant.

CIVIL ACTION
NO. 2:20-cv-2905

NOTICE OF REMOVAL

Defendant Home Depot U.S.A., Inc. (“Home Depot”), through their undersigned counsel, pursuant to 28 U.S.C. §§1332, 1441 and 1446, hereby removes Civil Action No. CT-4824-20-VIII from the Circuit Court of Tennessee for Thirtieth Judicial District at Memphis on the following grounds:

1.

On November 13, 2020, Plaintiff filed suit in the Circuit Court of Tennessee for Thirtieth Judicial District at Memphis, in an action styled *Shirley DuVentre vs. Home Depot USA, Inc.*, Civil Action No. CT-4824-20-VIII (the “Action”).

2.

On November 18, 2020, Home Depot received service of the Summons and Complaint. True and accurate copies of the Summons, with Return of Service, and Complaint are attached as Exhibit 1.

3.

Defendant hereby removes this action within thirty (30) days of Home Depot receiving copies of the Summons and Complaint in this Action. There are no other pleadings on file in the Action. No Defendant has answered or served any pleading in response to the Complaint or made any appearance or argument in the Circuit Court of Tennessee.

4.

Complete diversity of citizenship exists between the parties as required by 28 U.S.C. §1332.

5.

Per the express allegations in the Complaint, Plaintiff is citizen and resident of Memphis, Shelby County, State of Tennessee.

6.

Defendant Home Depot is a Delaware corporation with its principal place of business at 2455 Paces Ferry Road, NW, Atlanta, Georgia.

7.

Plaintiff's Complaint seeks recovery of a total of \$175,000.00. Thus, the jurisdictional amount under 28 U.S.C. §1331 and under U.S.C. §1332 is satisfied.

8.

Defendant is contemporaneously filing a Notice of Filing Notice of Removal with the Clerk of the Circuit Court of Tennessee for Thirtieth Judicial District at Memphis, informing the Clerk that the Action has been removed. A copy of the Notice of Filing Notice of Removal is attached hereto as Exhibit 2.

9.

Defendant files this Notice of Removal without waiving any defenses to the claim asserted by the Plaintiff or conceding that Plaintiff has pled any claims upon which relief can be granted.

WHEREFORE, Defendant prays that the Action be removed to this Court.

Respectfully submitted this 17th day of December, 2020.

**OWEN, GLEATON, EGAN,
JONES & SWEENEY, LLP**

S/DERRICK L. BINGHAM

Derrick L. Bingham, Esq.

Tennessee Bar No. 032533

Attorney for Defendants

303 Peachtree Street, N.E.
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CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the **NOTICE OF REMOVAL**, with the Clerk of Court using the CM/ECF system, and will serve all parties by depositing a copy of same in the U.S. Mail, in an envelope with sufficient postage affixed thereon, and addressed as follows:

Steven W. Pittman, Esq.
Chatham Gilder Howell Pittman, PLLC
291 Loshier Street
Hernando, MS 38632

This 17th day of December, 2020.

**OWEN, GLEATON, EGAN,
JONES & SWEENEY, LLP**

S/DERRICK L. BINGHAM

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